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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,925	03/18/2004	Robert Lessard	87367.2300	5418

7590 06/29/2006

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EXAMINER

NGUYEN, LAMSON D

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,925

Applicant(s)

LESSARD, ROBERT

Examiner

Lamson D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 05/14/04, 08/05/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what a second printhead being placed at a 90 degree angle for a first printhead means. The examiner has referred to the specification and the specification has failed to disclose a specific orientation of this limitation. The examiner is unclear as to what part of the second printhead is at 90 degrees from the first printhead or the applicant may mean to teaching something else.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of the second head being at 90 degrees angle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck (6,250,747) in view of Wetchler et al. (6,196,663) and Aman et al. (5,997,669).

Hauck teaches a bar code printing method comprise:

Claim 1

- providing an ink unit (figure 2, fluid source 20)
- providing at least one printhead, the head including at least two valves being laterally spaced apart from each other (figure 2, head 36, valves 38 and 40 spaced apart from each other)
- activating the valves with said controller to print the bar code (column 13, lines 5-12)

Claim 2:

- the two valves are aligned (figure 2)

Claim 4:

- printhead includes 3 valves (figure 3, valves 38, 40, and 42)

Hauck et al do not teach:

- (claim 1) a controller for controlling ink unit and head to actuate valves to print a code
- (claim 1) the code being printed twice
- (claim 4) the code being printed three times

While Hauck is silent as to having a controller operatively associated with said ink unit and said head, it is extremely well-known in the art of inkjet printers that every printer must have a controller to perform many printing control functions, as taught by Wetchler et al. (figure 3). It is also well-known in the art to print

redundant code, as taught by Aman (figure 6 teaches the codes are printed repeatedly on the object).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Hauck to incorporate the teaching of a controller and redundant code, taught by Wetchler and Aman, respectively, for the purpose of controlling the ink valves and creating an identifying pattern, respectively.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck in view of Wetchler and Aman as applied to claim 1 above, and further in view of Schuessler et al. (US2002/0113125).

Hauck in view of Wetchler and Aman teach all claimed features of the invention except for the code including ten bits.

Meanwhile, it is well-known to use bits when printing a code, as taught by Schuessler et al (paragraph 45 teaches bitmap).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Hauck in view of Wetchler and Aman to incorporate the teaching of bits as taught by Schuessler et al for the purpose of achieving the right codes.

It would also have been obvious to one having ordinary skill in the art at the time the invention was made to use 10 bits, since it has been held that discovering an

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optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck in view of Wetchler and Aman as applied to claim 1 above, and further in view of Shibata et al (6,561,619) and Watanabe et al. (,631,556).

Hauck in view of Wetchler and Aman teach all claimed features of the invention except for a head draining valve, a pump, an air draining valve, and an ink waste reservoir.

All these elements are extremely well-known in the art, as Watanabe et al teach an air and ink drain (figure 3, #46) and Shibata et al teach an ink waste reservoir (waste reservoir 139).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Hauck in view of Wetchler and Aman to incorporate the teaching of an air and ink drain (figure 3, #46) taught by Watanabe and an ink waste reservoir (waste reservoir 139) taught by Shibata for the purpose of supplying ink to the printhead and performing maintenance of the printhead, respectively.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck in view of Wetchler and Aman as applied to claim 1 above, and further in view of Auslander (6,905,538).

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Hauck in view of Wetchler and Aman teach all claimed features of the invention except UV ink.

It is well-known in the art of inkjet printers to use UV curable ink to print images or barcodes, as taught by Auslander. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Hauck in view of Wetchler and Aman to incorporate the teaching of UV curable ink taught by Auslander for the purpose of achieving high inverse contrast of color inks.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aman et al. (5,997,669) in view of Schuessler et al. (US2002/0113125).

Aman et al teach teach:

Claim 8:

- a redundant code printed on an elongate article
- the code comprising a plurality of elongated lines or marks separated by a predetermined distance, characterized in that the code is printed twice on the elongate article

Claim 9:

- wherein each of the codes are parallel to each other

However, Aman et al do not teach the following:

- (claim 8) the code comprises bits

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- (claim 10) said code consists of ten bits

Meanwhile, it is well-known to use bits when printing a code, as taught by Schuessler et al (paragraph 45 teaches bitmap).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Aman to incorporate the teaching of bits as taught by Schuessler et al for the purpose of achieving the right codes.

Furthermore, Aman in view of Schuessler does not teach code consisting of 10 bits.

It would have been obvious to one having ordinary skill in the art to use 10 bits to create codes since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck (6,250,747) in view of Wetchler et al. (6,196,663) and Aman.

Hauck teaches a bar code printing method comprise:

Claim 11:

- providing an ink unit (figure 2, fluid source 20)

- providing at least one printhead, the head including at least two valves being laterally spaced apart from each other (figure 2, head 36, valves 38 and 40 spaced apart from each other)
- activating the valves with said controller to print the bar code (column 13, lines 5-12)

Claim 12:

- the two valves are aligned (figure 2)

Claim 13:

- wherein said valves are actuated substantially simultaneously (column 5, lines 50-65)

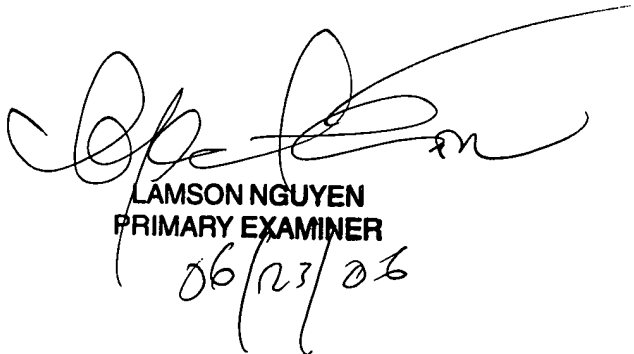
While Hauck is silent as to having a controller operatively associated with said ink unit and said head, it is extremely well-known in the art of inkjet printers that every printer must have a controller to perform many printing control functions, as taught by Wetchler et al. (figure 3). In addition, Hauck is also silent as to print a redundant code. It is also well-known in the art to print redundant code, as taught by Aman (figure 6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Hauck to incorporate the teaching of a controller and redundant code, taught by Wetchler and Aman, respectively, for the purpose of controlling the ink valves and creating an identifying pattern, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamson D. Nguyen whose telephone number is 571-272-2259. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on 571-272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LAMSON NGUYEN
PRIMARY EXAMINER
06/23/06